

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 7169 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT and
MR.JUSTICE C.K.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

VINODCHANDRA NATHALAL BHATT

Versus

KANTILAL JETHALAL VASAVA

Appearance:

MR NILESH A PANDYA for Petitioner
MR KS JHAVERI for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT and
MR.JUSTICE C.K.BUCH

Date of decision: 23/03/98

ORAL JUDGEMENT (Per Y.B.Bhatt, J)

Appeal Admitted.

2. On the joint request of the learned Counsel for the parties, the appeal is taken up for final hearing today. The appellant herein challenges the common judgement and award passed by the Motor Accident Claim

Tribunal (Main) at Vadodara, particularly the one in Claim Application No.1619/89.

3. In this particular case the Tribunal has after appreciating the relevant evidence on record awarded only Rs.2,000/-, by allowing only one head of claim, namely, mental pain, shock and suffering inclusive of treatment, conveyance, nutrition etc.

4. It cannot be disputed that the injured appellant had suffered injuries on the head, on the elbow portion of the right hand and also other injuries on the rest of the body. He had infact taken treatment from a Private Doctor Anil Dhua. He has also produced on record medical case papers at Exh.34 and also an Injury Certificate at Exh.35 issued by Sayaji Hospital.

5. In the context of this evidence, Tribunal found that these are all minor injuries, and since he was not hospitalised, a sum of Rs.2000/- in the aggregate under all the heads referred to herein above was passed.

6. As a result of the hearing and discussion before us and on re-appreciation of the relevant evidence, the learned Counsel for the respective parties have arrived at a consensus, which we too approve of.

7. Accordingly, we are of the opinion that the interests of justice would be served and would also be in consonance with the evidence on record if the appellant claimant is awarded a further and additional sum of Rs.23,000/-. He shall be further entitled to interest at the rate of 12% p.a. from the date of the claim till payment. Accordingly this appeal is allowed with no orders as to costs. Decree accordingly.

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